

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA,

Plaintiff,

and

SIERRA CLUB,

Intervenor-Plaintiff,

v.

DTE ENERGY COMPANY AND  
DETROIT EDISON COMPANY,

Defendants.

Civil Action No.  
2:10-cv-13101-BAF-RSW

Judge Bernard A. Friedman

Magistrate Judge R. Steven  
Whalen

**CONSENT MOTION FOR EXTENSION OF TIME TO  
ANSWER AMENDED COMPLAINT**

Pursuant to Local Rule 7.1 and Fed. R. Civ. P. 6(b)(1)(A), Defendants DTE Energy Company and Detroit Edison Company (collectively, DTE), respectfully move for an extension of time to respond to the United States' Amended Complaint.

1. On April 9, 2014, this Court granted the United States' motion for leave to file an amended complaint. On that same date, the United States filed its First Amended Complaint, a copy of which was served electronically on DTE. On April 23, 2014, DTE agreed to accept service of the First Amended Complaint as of April

9, 2014. DTE calculates its deadline to respond to the First Amended Complaint to be April 28, 2014.<sup>1</sup>

2. On April 2, 2014, the United States filed a motion for time to move for partial final judgment under Federal Rule of Civil Procedure 54(b) (ECF No. 200) (the Government's Rule 54(b) Extension Motion) with respect to this Court's order granting DTE's motion for summary judgment (ECF No. 196). That same date, Intervenor-Plaintiff Sierra Club moved for entry of partial final judgment under Rule 54(b), but asked that its motion be considered at the same time as any motion the United States might elect to file. DTE does not oppose either motion.

3. In the event that partial final judgment be entered followed by an appeal, it is DTE's position that further proceedings in this case should be stayed pending such appeal. DTE therefore respectfully request that DTE's deadline to respond to the First Amended Complaint be extended to fourteen days after either (a) the Court rules on any motion by the United States for partial final judgment under Rule 54(b), or (b) the United States notifies the Court and DTE that it does not intend to file a motion under Rule 54(b). Counsel for the United States and Sierra Club have indicated their consent to this motion.

4. A proposed order is attached.

Respectfully submitted this 24th day of April, 2014.

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<sup>1</sup> The Court also granted Sierra Club's motion for leave to file an amended complaint, but DTE has asked the Court to reconsider that portion of its order. *See* ECF No. 205. Sierra Club has not yet filed its Amended Complaint, and DTE understands that it will not do so until the Court rules on DTE's motion for reconsideration.

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 24, 2014, the foregoing **CONSENT MOTION FOR EXTENSION OF TIME TO ANSWER AMENDED COMPLAINT** was served electronically only on counsel of record through the Court's CM/ECF system.

/s/ George P. Sibley, III